



APPLICATION ACCEPTED: December 19, 2011
PLANNING COMMISSION: April 26, 2012
BOARD OF SUPERVISORS: May 1, 2012
@ 3:30 p.m.

County of Fairfax, Virginia

April 12, 2012

STAFF REPORT

APPLICATION SEA 94-D-019

CRD

DRANESVILLE DISTRICT

APPLICANT: Capital One, National Association

ZONING: C-8, CRD, SC and HC

PARCEL: 30-2 ((9)) 67

LOCATION: 1439 Chain Bridge Road

SITE ACREAGE: 18,275 square feet (0.42 acres)

PLAN MAP: Retail and Other

SPECIAL EXCEPTION CATEGORY: Category 5 – Commercial and Industrial Uses of Special Impact

PROPOSAL: To amend SE 94-D-019 previously approved for a drive-in financial institution to permit revisions to the approved development conditions

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 94-D-019, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the minimum lot size requirement to permit a lot of 18,275 square feet instead of the required 40,000 square feet.

Staff recommends approval of a modification of the minimum lot width requirement to permit a lot width of 160 feet instead of the required 200 feet.

Nick Rogers

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz



Staff recommends approval of a modification of the minimum required front yard to permit a front yard of 19 feet instead of the required 40 feet along Chain Bridge Road.

Staff recommends approval of a modification of the transitional screening requirement and a waiver of the barrier requirement in favor of that shown on the SE Plat.

Staff recommends approval of a waiver of the loading space requirement.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception Amendment

SEA 94-D -019



Applicant:

CAPITAL ONE, NATIONAL ASSOCIATION

Accepted:

12/19/2011

Proposed:

AMEND SE 1994-D-019 PREVIOUSLY APPROVED FOR DRIVE-IN FINANCIAL INSTITUTION TO PERMIT WAIVER OF CERTAIN SIGN REGULATIONS, MODIFICATION WAIVERS IN THE COMMERCIAL REVITALIZATION DISTRICT AND MODIFICATION OF DEVELOPMENT CONDITIONS

Area:

18,275 SF OF LAND; DISTRICT - DRANESVILLE
ZIP - 22180

Zoning Dist Sect: 09-0620, 09-0622, 04-0804

Art 9 Group and Use: 6-17 6-19 5-06

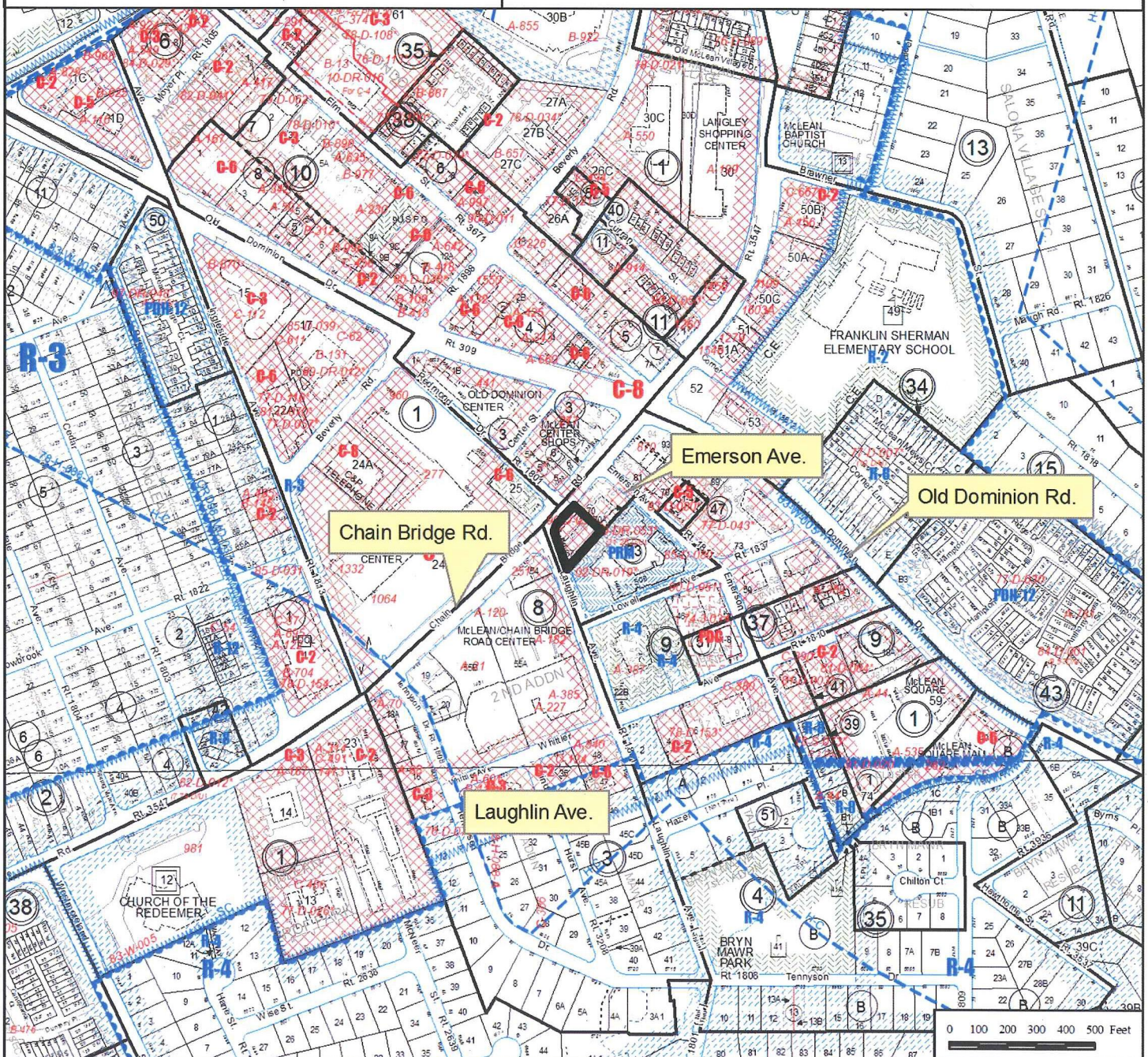
Located: 1439 CHAIN BRIDGE ROAD

Zoning: C- 8

Plan Area: 2

Overlay Dist: CRD, SC, HC

Map Ref Num: 030-2- /09/ /0067



DESCRIPTION OF THE APPLICATION

Capital One, National Association has requested the approval of an amendment to SE 94-D-019, which allows the applicant to operate a drive-in financial institution with two drive-through lanes served by Automatic Teller Machines (ATMs). The amendment would permit a revision to the Special Exception's (SE) development conditions that currently govern the site. Drive-in financial institutions that are not included in a shopping center may only be permitted by SE in C-8: Highway Commercial districts.

Currently, the development conditions only allow Capital One to provide drive-through service with ATMs. Capital One would like permission to offer teller service on the outside drive-through lane through the use of a pneumatic tube. The tube is an existing feature in the outermost lane, but was not explicitly identified on the SE Plat or the approved conditions as a permitted use. The applicant, as well as the previous tenant has been offering this teller service to drive-through customers since 2005, despite the SE only allowing ATMs for drive-through service. Currently, the applicant is under a Notice of Violation from the Department of Code Compliance (DCC) for the tube not conforming to the approved SE.

The applicant is also requesting a modification to the permitted hours of operation in order to mirror the hours used by other regional Capital One Banks.

No building additions or site modifications are proposed with the applicant's request. Other than the changes to the conditions outlined above, no other modifications of the approved development conditions have been requested by the applicant.

The applicant has submitted six requests for waivers and modifications of the requirements of the Zoning Ordinance:

- Modification of the minimum lot size requirement in a Community Revitalization District (CRD) to permit a lot of 18,275 square feet instead of the required 40,000 square feet;
- Modification of the minimum lot width requirement in a CRD to permit a lot width of 160 feet instead of the required 200 feet;
- Modification of the minimum required front yard in a CRD;
- Modification of the interior parking lot landscaping requirement;
- Modification of the peripheral parking lot landscaping requirement along the property's southern boundary; and,
- Waiver of the use limitations associated with curb cuts in Par. 8 of Sect. 4-805.

In lieu of submitting a new SE Plat showing the requested proposal, the applicant received a waiver of this submission requirement from the Department of Planning and Zoning (DPZ) and instead was granted permission to use the previously approved SE Plat. A reduced copy of this SE Plat is included at the beginning of this staff report. Copies of the proposed development conditions, affidavit, and applicant's statement of justification are included in Appendices 1, 2, and 3, respectively.

LOCATION AND CHARACTER

The subject property is a corner lot located at 1439 Chain Bridge Road at the intersection of Chain Bridge Road and Laughlin Avenue. The intersection of Chain Bridge Road and Old Dominion Drive, a key crossroads in McLean, is approximately 600 feet to the northeast. Figure 1 shows the subject property's location in relation to the rest of McLean.

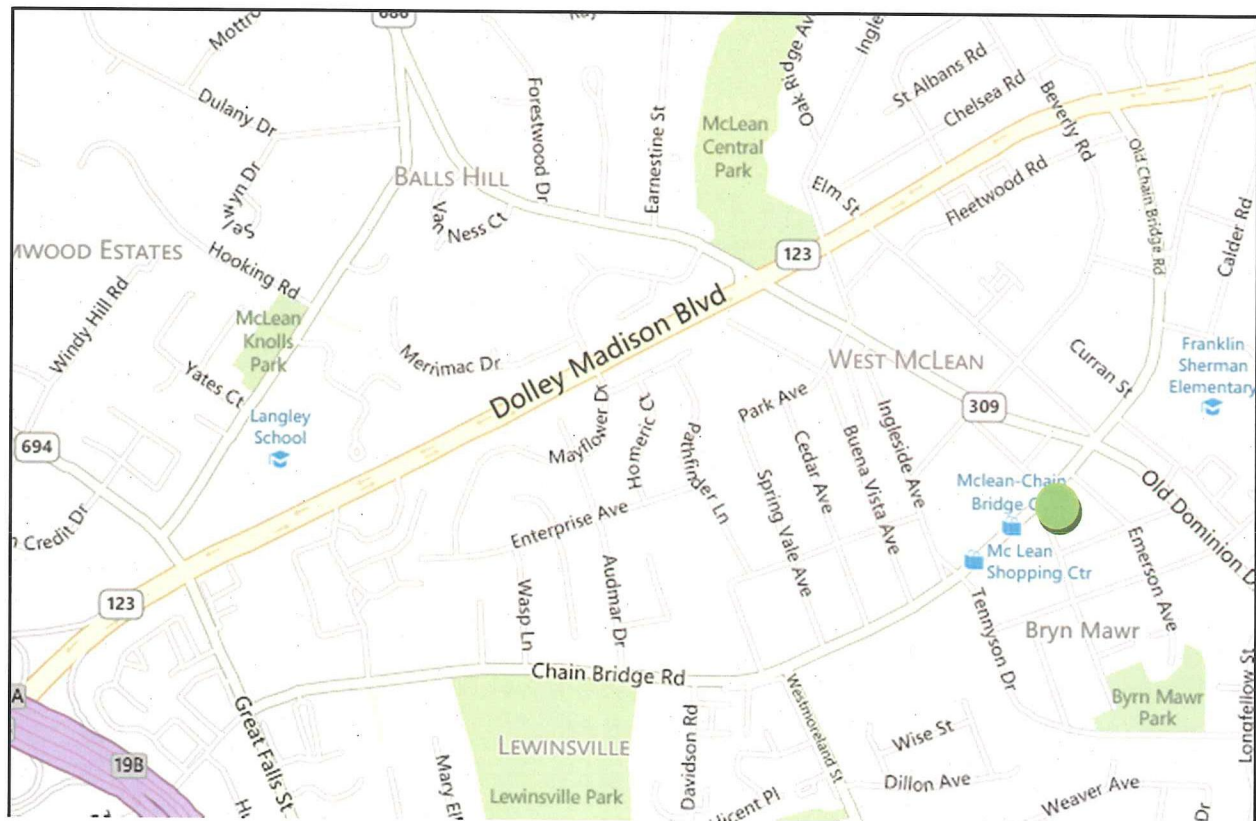


Figure 1: The Chain Bridge Road that runs through the commercial heart of McLean is a separate road from U.S. Route 123, which is called Dolley Madison Boulevard in this vicinity but called Chain Bridge Road for the majority of its mileage between the City of Fairfax and I-495. The subject property is identified with a green dot. (Source – Bing Maps)

The property is located within the McLean Community Revitalization District (CRD), which is an overlay zoning district “established to encourage economic development activities...in order to provide desirable employment and enlarge the tax base.”¹ These districts are designated in older commercial areas of Fairfax County to provide flexibility in certain zoning regulations when property owners develop or redevelop their property, while focusing on urban design measures such as streetscape and landscaping.

The surrounding uses include small and large retail establishments, personal service merchants, offices, and restaurants. Single-family detached dwellings surround the commercial core of McLean, but a small number of multi-family dwellings are interspersed amongst the commercial uses. The Palladium at McLean, a mixed-used

development to the southeast, is an example of one location in downtown McLean with residences. This particular development is discussed in greater detail on Page 4.

Capital One operates a Capital One Bank branch at this location. The building was constructed in 1995 and is the former location of a Chevy Chase Bank. Chevy Chase was the original applicant for SE 94-D-019. It was acquired by Capital One in 2009. Constructed in 1995, the drive-in financial institution is 3,000 square feet and is sited close to Chain Bridge Road. Between the building and the road is a 16-foot wide sidewalk with street trees and benches which extends the length of the property's Chain Bridge Road frontage. The 22-space parking lot that serves this branch is located behind the building and accessed by vehicle from Laughlin Avenue. Vehicles use the drive aisle through the parking lot to access the two drive-through lanes and their ATMs. The building has no teller window serving the inner lane. Pedestrians have access to a third ATM next to the building's entrance at the corner of Chain Bridge Road and Laughlin Avenue.

The Chain Bridge/Laughlin intersection is controlled by a traffic signal and features crosswalks and pedestrian signals. A small landscaped plaza sits outside of the building entrance, and the site's sidewalks are made of brick, concrete with brick banding, or concrete. Finally, the site is further landscaped with street trees along Chain Bridge Road and a variety of trees and shrubs which surround the parking lot and screen views of the Palladium at McLean development.



Figure 2: The location of the subject property, outlined in green. The Palladium at McLean is located to the immediate southeast. (Source – Google Maps)

BACKGROUND

On October 10, 1994, the Board of Supervisors (BOS) approved SE 94-D-019, which allowed Chevy Chase Bank to construct a drive-in financial institution. The site was the former location of a small building that had most recently been occupied by a Dunkin Donuts fast food restaurant. The structure was razed to accommodate the construction of a 3,000 square foot bank building and the aforementioned parking and drive-through lanes.

- *Stacking Spaces and Pneumatic Tube*

As part of the SE approval, the applicant secured a reduction in the number of stacking spaces required for the drive-through lanes. The Zoning Ordinance required the applicant to either provide 8 stacking spaces in front of the first drive-through window and 2 stacking spaces for the second window, or 10 stacking spaces equally distributed between the two lanes. Chevy Chase provided 8 stacking spaces and distributed 4 spaces in each lane. The applicant was granted the reduction under the rationale that the use would not need all 10 spaces because no teller service would be provided for bank customers at the drive-through lanes.

There are no Fairfax County records that indicate that an approval was granted to add the pneumatic tube to the outer drive-through lane. The tube does not appear on the approved SE plat, the approved site plan, or the as-built site plan.

- *Laughlin Avenue Intersection Relocation Plan*

At the time of SE 94-D-019's approval, there were 14 small properties to the south and east of the subject property zoned R-4, which, along with the C-6 property to the east, encompassed all of the block bounded by Laughlin Avenue on the west, Lowell Avenue on the south, Emerson Avenue to the east, and Chain Bridge Road to the north. The R-4 properties were consolidated and redeveloped with the approval of RZ 2002-DR-019 on October 23, 2002, which rezoned the properties to PRM for the Palladium at McLean development. The properties were redeveloped with a mixed use development of 69 dwelling units within 142,774 square feet of gross floor area. The project also includes 17,131 square feet devoted to commercial uses along Laughlin Avenue and Lowell Avenue. Current tenants include an investment bank, a wine boutique, a specialty food gift store, and a music school².

The proffers for RZ 2002-DR-019 called for the realignment of the Laughlin Avenue - Chain Bridge Road intersection. This required the applicant, Waterford McLean, LLC, to submit and obtain approval of Public Improvement Plan 004810-PI-001-2 from the Department of Public Works. The realignment narrowed Laughlin Avenue's pavement width, squared the lanes better with Chain Bridge Road, and created additional acreage where the landscaped plaza in front of the bank was created. Since the applicant is using the previously approved SE Plat for this application, the intersection realignment is not shown. However, Figure 3 from the Public Improvement Plan displays the changes in the parcel resulting from the realignment.

2 Current uses are listed at http://thepalladiumatmclean.com/link/linkshow.asp?link_id=173588, accessed on April 4, 2012

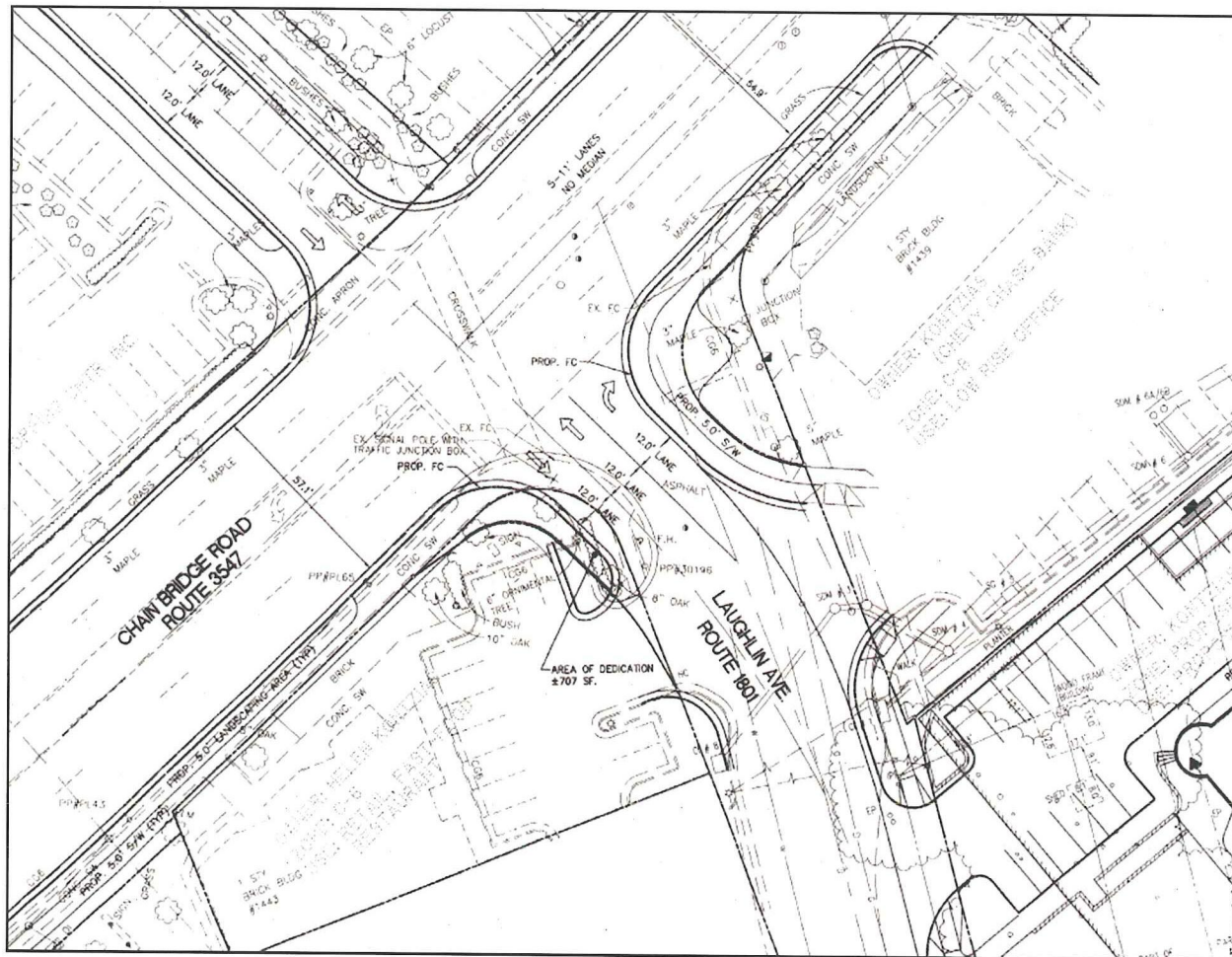


Figure 3: The above intersection relocation plan shows how Laughlin Avenue was narrowed and realigned to a more direct, perpendicular intersection with Chain Bridge Road. (Source – Fairfax County DPWES)

- **Zoning Violations and Compliance**

On August 1, 2011, DCC issued a Notice of Violation to the applicant for two separate violations. The first violation was associated with the use of the pneumatic tube in the outer drive-through lane, which conflicted with Development Condition #5 of the SE referenced below:

Hours of operation of the bank shall not exceed 6:00 a.m. to 10:00 p.m. Monday through Saturday. Drive-through service shall be limited to Automatic Teller Machines (ATMs). The drive-through ATMs shall be operational 24 hours per day, seven (7) days per week.

Since the condition explicitly restricted the lanes' usage to only ATM customers, the applicant was violating the conditions of the SE.

A second violation was cited related to the site's signs. With the transfer of all former Chevy Chase Banks to Capital One Banks, each bank location erected new signs with the new company logo. The logo was added to the site's directional signs, the building's door, and the illuminated cabinets above both ATMs where no logo existed before. Since the logo was used to advertise and identify the tenant, it was considered a sign per the definitions listed in Article 20 of the Zoning Ordinance for signs. This addition of the Capital One logo had the effect of adding several new building-mounted signs to the site without the required sign permits. The signs exceeded the Zoning Ordinance's maximum square footage allowed for building-mounted sign area based on the size of the building.

To comply with the Zoning Ordinance's sign area limit, the applicant removed the Capital One logo from the building entry door, directional, and ATM signs. The logo removal was intended to be a temporary solution while the applicant requested a Category 6 SE to permit an increase of the allowable sign area. Based on community feedback, the applicant has since chosen to work within the maximum square footage allowed by the Zoning Ordinance and to make changes to the building-mounted signs which would allow the Capital One logo to be reintroduced to the directional signs on site, the building entrance, and the ATMs. Figure 4 shows one example of how the applicant will make this adjustment. No waiver of certain sign regulations is contemplated with this Special Exception, and the applicant amended the application form during the review process to reflect this change in the request.



Figure 4: The applicant intends to remove the blue cabinet around the existing sign that faces the parking lot and only use letters to display the Capital One logo. The removal of the blue cabinet increases the amount of building-mounted sign area available to the applicant. (Source – Lisa Chiblow, McGuireWoods, agent for applicant)

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT

Since no building additions or site modifications are proposed, a modification of the submission requirements was granted to allow the applicant to use a copy of the approved SE Plat for SE 94-D-019 as the SE Plat for this application. The plat shows the property's relationship with Chain Bridge Road and Laughlin Avenue, and the location of the 3,000 square foot bank building. The 22 parking spaces are accessed from Laughlin Avenue, and are on either side of the drive aisle that customers use to

access the two drive-through lanes. Eight stacking spaces are shown to display how motorists would queue up behind the ATMs. The concrete with brick banding in the sidewalk is shown along Chain Bridge Road. For landscaping, there are six street trees and seven additional trees in the parking lot and buffering the site from the property to the immediate east, along with shrubs throughout the site.

The SE Plat does not show the additional square footage vacated by VDOT along Laughlin Avenue for the relocation project. This 1,034 additional square feet was used to narrow Laughlin Avenue. Since the SE Plat predates the Palladium at McLean rezoning, Laughlin Avenue's intersection relocation had not been designed or constructed at the time of the bank building's construction. Because of this, the features of the landscaped plaza are not displayed on the SE Plat but are depicted in Figure 5 below.



Figure 5: This photo shows the landscaping and pedestrian improvements installed as a result of the intersection relocation plan. The area with the pedestrian signal and the shrubs was a part of the roadway at the time of the original Special Exception's approval. (Source – Google Maps, Street View)

ANALYSIS

Comprehensive Plan

The subject property is located within the McLean Community Business Center (CBC). The CBC is intended to provide "shopping and professional services to

the surrounding community.”³ The identity of the McLean CBC is that of a “community-serving business district”, which serves the needs of the surrounding community instead of providing regional employment and shopping destinations.⁴

The property is within Subarea #11 of the McLean CBC, which is bounded by Chain Bridge Road, Laughlin Avenue, Emerson Avenue, and Lowell Avenue. The Subarea guidelines listed in the Comprehensive Plan outline a number of objectives for massing, urban design, land uses, and pedestrian amenities.⁵ The existing features of the site conform to the subarea guidelines related to public spaces and walkways. Given that the applicant is making no building additions, the guidelines related to building form would be applicable should redevelopment occur in the future.

General Special Exception Standards (Sect. 9-006)

All special exception uses shall satisfy the following general standards:

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

The applicant's request to operate a pneumatic tube in one of the drive-through lanes is complementary to the drive-in financial institution use. This is in harmony with the Comprehensive Plan.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The purpose and intent of the C-8 zone is to provide locations for commercial and service uses located along high-volume roads which are automobile-oriented, require large land areas and good access, and do not depend on adjoining uses for reasons of comparison shopping or pedestrian trade. Development in C-8 districts is encouraged in preplanned concentrations a minimum distance of three miles between such concentrations so that through traffic movements are minimized. The proposed use is harmonious with the C-8 district purpose and intent.

3. *The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

3 Fairfax County Comprehensive Plan, McLean Community Business Center, p. 20.

4 Fairfax County Comprehensive Plan, McLean Community Business Center, p. 20.

5 Fairfax County Comprehensive Plan, McLean CBC Subarea Guidelines – Subarea #11, p. 52

The development conditions associated with the approved SE prescribed hours of operation for the drive-in financial institution to not exceed 6:00 AM to 10:00pm, Monday through Saturday. No reference was listed in the staff report for SE 94-D-019 which explained the applicant's need for the uncharacteristically early and late closing times. According to Capital One's website, their branch at this location is open 9:00 AM to 5:00 PM Monday through Thursday, 9:00 AM to 7:00 PM on Fridays, and 9:00 AM to 1:00 PM on Saturdays.

The applicant has requested that the hours of operation listed in the development conditions be revised to 8:00 AM -7:00 PM Monday through Friday and 8:00 AM – 3:00 PM on Saturdays. Staff is supportive of the applicant's request, which falls within the general range of hours for similar uses and limits the potential for disturbance to adversely impact neighboring properties in the early morning or late evening hours. Capital One does not propose changing the branch hours listed on their website for this location; however, staff is comfortable with the additional flexibility requested for early evenings during the week and early afternoon on Saturdays should the applicant wish to make minor changes to the posted hours of operation.

The applicant's request is harmonious with the neighboring properties, does not adversely affect their use or development in accordance with the Zoning Ordinance or Comprehensive Plan, and the site features listed above do not hinder or discourage the development of nearby land or buildings, nor impair their value.

4. *The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

The pneumatic tube (Figure 6) has been a site feature since 2005 and should only have been permitted through an amendment to the existing SE. Based on staff research, the pneumatic tube was not constructed with the knowledge of County officials as it does not appear on any County approved documents associated with the property.

The staff analysis for SE 94-D-019 clearly contemplated the two drive-through lanes to be used only for ATM customers. The provision of the required 10 stacking spaces would have resulted in one of two scenarios. The 2 easternmost parking spaces would have been unable to back out when all 10 spaces were in use, assuming 5 cars stacked in each lane. Alternatively, approximately half of the parking spaces would have been blocked had the applicant shown eight stacking spaces in the first lane and two in the second.

To prevent this blockage from occurring, the applicant requested a reduction from 10 spaces to 8 and chose to stack 4 cars in both lanes. Chevy Chase cited the 24-hour availability of the drive-through ATMs and the walk-up ATM near the building's entrance. At the time, transportation staff was comfortable with the applicant's request because no teller service would be provided at

the drive-through lanes, which could cause lengthy stacking queues in the scenario where bank tellers had to split their time between in-store customers and drive-through customers. The BOS granted the waiver request and added a development condition to require the ATMs to be accessible 24 hours a day.

To allow the use of the pneumatic tube for teller service at this time, the Department of Transportation (FCDOT) and the Office of Community Revitalization (OCR) recommends the provision of all 10 stacking spaces to meet the minimum Zoning Ordinance requirements (Appendices 5 and 6, respectively). However, the applicant would encounter the same conflict described in the above paragraph's first scenario, with the easternmost parking spaces being blocked in order to provide the full complement of stacking spaces.

To resolve this conflict, staff has recommended a development condition which would require the applicant to designate the two easternmost parking spaces in each row as employee parking. In the event that all of the stacking spaces were needed, bank employees using those spaces would be blocked in. Nevertheless, it is staff's expectation that those employees would not need to move their cars during the hours of operation. The applicant has verified this for staff, and is agreeable to designating the employee-only parking.

With the inclusion of the development condition listed above, the traffic associated with proposed use would not be hazardous or conflict with the traffic in the neighborhood.

5. *In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.*

With the recommended modification, the existing landscaping and screening is in accordance with the provisions and standards of Article 13 of the Zoning Ordinance. Interior and peripheral parking lot landscaping are examined in greater depth on page 15 of this staff report.

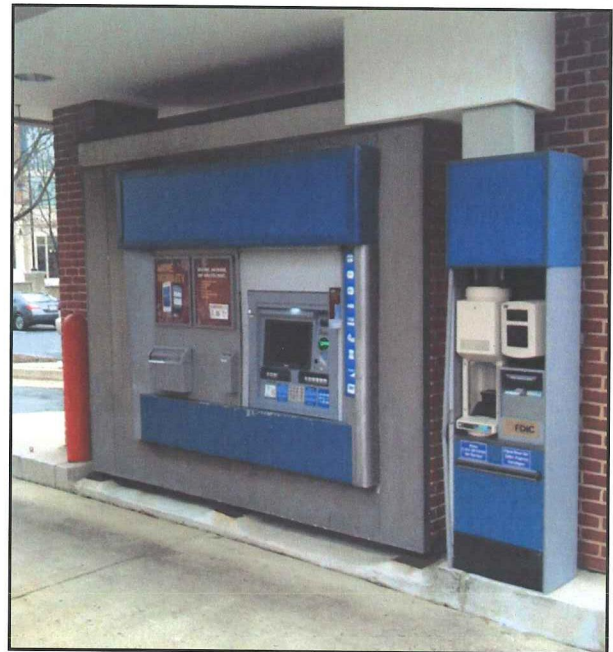


Figure 6: The outer drive-through lane, furnished with an ATM and the pneumatic tube assembly (Source – Fairfax County DPZ site visit, 1/26/2012)

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The applicant has allowed approximately 32% of the site to remain in open space, which exceeds the minimum requirement of 15% for the C-8 zoning district.

7. *Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.*

The Department of Public Works and Environmental Services has verified with staff that the adequate facilities to serve the existing use are in place.

The Zoning Ordinance requires 4 spaces per 1000 square feet of gross floor area for customer service, lobby and teller area, plus additional space as required herein for any associated offices. Based on the square footage listed on the SE Plat, the applicant must provide a minimum of 9 parking spaces. The CRD regulations allow a reduction of the minimum off-street parking requirement up to 20%; in this instance, the applicant may reduce the parking count up to 2 spaces. The 22 parking spaces provided exceeds the minimum number of parking spaces required per the Zoning Ordinance. No loading spaces would be required for a drive-in financial institution per Article 11.

Standard C in Sect. 11-203 Zoning Ordinance requires the applicant to provide 1 loading space for the first 10,000 square feet of gross floor area of a building, plus 1 space for each additional 20,000 square feet or major fraction thereof. The analysis of the applicant's waiver request from this requirement can be found on page 15.

8. *Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.*

The applicant has amended the SE application to delete the original request for a waiver of certain sign regulations in order to increase the allowable sign area for the site. All signs related to the proposed use will be required to have a sign permit issued by the Zoning Inspections Branch of DPZ, and shall be in accordance with the provisions of Article 12 of the Zoning Ordinance.

In summary, the proposed use satisfies all of the General Special Exception Standards.

Standards for all Category 5 Uses (Sect. 9-503)

All Category 5 uses shall satisfy the following standards:

1. *Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.*

The applicant has requested a series of waivers and modifications associated with the lot size and bulk regulations of the C-8 and CRD districts as approved with the SE for the use. These requests are evaluated in the staff analysis of the applicable Zoning Ordinance Provisions on page 12.

2. *All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.*

The proposed use would comply with all performance standards in Article 14.

3. *Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.*

The proposed use would not trigger the submission requirements for a site plan as the applicant would not be making exterior building changes or site improvements to implement the SE; thus, this standard is not applicable.

In summary, the proposed use would satisfy all of the Standards for Category 5 Uses.

Additional Standards for Automobile-Oriented Uses (Sect. 9-505)

Automobile-oriented uses, when permitted by special exception, shall satisfy the following standards:

- A. *Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.*

The proposed use would be architecturally compatible with the surrounding properties along Chain Bridge Road.

- B. *Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.*

The existing sidewalks to the northeast and south provide pedestrian connections along the existing street network.

- C. *The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.*

The site brings cars to one entrance along Laughlin Avenue and circulates them one way through the drive-through lanes back to Chain Bridge Road. These

movements are part of a safe and efficient on-site circulation pattern. The applicant is providing the required parking and stacking spaces per the Zoning Ordinance, which would facilitate safe and convenient vehicle and pedestrian access to the on-site uses.

- D. *In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.*

Despite the lot size not reaching the minimum size requirements for the C-8 district, the area and width of the lot is sufficient to accommodate the proposed use. Based on the hours of operation that would be revised with the proposed development conditions, staff is not concerned that the use would have adverse impacts on the nearby residential area.

- E. *For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.*

The proposed use is not be a drive-through pharmacy; thus, this standard is not applicable.

In summary, the proposed use satisfies all applicable Additional Standards for Automobile-Oriented Uses.

Sign Control Standards (Sect. 12-204)

The subject property is located in a Sign Control Overlay District. Any signs that the applicant installs require a sign permit and must conform to Sect. 12-204 of the Zoning Ordinance.

Highway Corridor Standards (Sect. 7-600)

The subject property is located in a Highway Corridor Overlay District. Drive-in financial institutions are subject to the provisions of this overlay district. The sidewalks along Chain Bridge Road and Laughlin Avenue demonstrate that the pedestrian circulation can easily be coordinated with the adjacent properties. Due to the property's size and orientation to Chain Bridge Road, and because it is a corner lot with access to two streets, vehicular circulation would not need to be coordinated with the adjacent properties unless consolidation and redevelopment were to occur. The design of the site's vehicular access from Laughlin Avenue and out to Chain Bridge Road would not impede traffic on Chain Bridge Road, which carries the heavier load of through traffic. Finally, no outdoor storage or display of goods offered for sale would be permitted per the district standards.

In summary, the proposed use satisfies all applicable use limitations for the Highway Corridor Overlay District.

ZONING ORDINANCE PROVISIONS

A comparison of the C-8 District requirements and the subject property are outlined below in Table 1:

TABLE 1 - Bulk Standards for C-8 Zoning		
Standard	Required	Provided
Lot Size	Minimum 40,000 sq. ft.	18,275 sq. ft. ⁶
Lot Width	Minimum 200 ft.	Chain Bridge Road - ≈160 ft. ⁷ Laughlin Avenue - ≈180 ft.
Maximum Building Height	Maximum 40 ft.	≈20 ft.
Required Front Yard	C-8 District - 45 degree angle of bulk plane, but no less than 40'. CRD - 20 feet	Chain Bridge Road - ≈19 ft. ⁸ Laughlin Avenue - ≈50 ft.
Required Side Yard	None required	≈30 ft.
Required Rear Yard	20 feet	≈75 feet
Maximum FAR	0.50	0.17
Minimum Open Space	15% of gross area	≈32%
Parking Spaces (Drive-In Financial Institution)	7 spaces	22 spaces
Stacking Spaces	10 ⁹	10
Loading Spaces	Standard C ¹⁰	0

Landscaping Requirements (Article 13)

- **Interior parking lot landscaping**

For sites with parking lots that exceed 20 spaces, the applicant is required to provide an amount of interior parking lot landscaping equal to 5% of the total area of the parking lot. The applicant did not indicate the amount of parking lot landscaping provided on the SE Plat at the time, and BOS adopted a development condition requiring the applicant to satisfy the Zoning Ordinance's minimum requirements prior to site plan approval.

-
- 6 The applicant has requested a waiver of the minimum lot size requirement.
7 The applicant has requested a waiver of the minimum lot width requirement.
8 The applicant has requested a waiver of the minimum yard requirement.
9 See page 4 of the staff report for a breakdown of the Zoning Ordinance's minimum requirements for stacking spaces for this use.
10 Standard C in the Zoning Ordinance requires the applicant to provide 1 loading space for the first 10,000 square feet of gross floor area of a building, plus 1 space for each additional 20,000 square feet or major fraction thereof.

The approved site plan contains calculations that show that the parking lot is 7170 square feet, and that 359 square feet of landscaping would be required to meet the minimum requirements. The site plan notes that the applicant provided 490 square feet, thus exceeding the requirement.

- **Transitional screening and barriers**

At the time of the initial review for SE 94-D-019, the properties to the southeast were occupied by a produce stand. That, coupled with the properties' R-4 zoning, required the applicant to provide Transitional Screening 3 between the parking lot and the adjacent properties. Transitional Screening 3 consists of a minimum 50-foot wide buffer of evergreen trees, deciduous trees, and evergreen shrubs in accordance with the Zoning Ordinance. The applicant received a modification of this requirement from the BOS and instead provided 7 shademaster thornless honey locusts and 45 hetz Japanese hollies in an approximately 6-foot wide strip.

The applicant was also required to provide either Barrier E, F, or G, which are variations listed in the Zoning Ordinance for a 6-foot high wall or fence of masonry, wood, or chain link. This requirement was waived by the BOS, and can be seen, along with the above modification, in Appendix 4.

With the redevelopment of these parcels to the Palladium at McLean, the subject property is now bordered by multi-family housing and a private school of special education (Figure 7). The dwellings must be screened by Transitional Screening 2, which consists of a minimum 35-foot wide buffer of evergreen trees, deciduous trees, and evergreen shrubs in accordance with the Zoning Ordinance. The applicant is also required to provide Barrier E, F, or G.

The music school is defined as a private school of special education, and the applicant is not required to provide transitional screening for this use. Barriers D (42-48 inch high chain link fence), E or F are required for drive-in financial institutions bordered by private schools of special education.

The applicant has requested a reaffirmation of the previously approved modification of the transitional screening requirement, and a reaffirmation of the waiver of the barrier requirement. The BOS may waive or modify these requirements, according to Par. 2 of Sect. 13-305 of the Zoning Ordinance, when the strict provisions of the landscaping regulations would reduce the usable area of the lot to a point which would preclude a reasonable use of the lot. To provide a 35-foot wide landscaped buffer, the applicant would need to remove one parking row and the majority of the drive aisle on the subject property. The parcel's usable area would be reduced in such a way that the applicant's development options would be significantly limited, given the proportionally narrow depth of the lot from Chain Bridge Road. Any barrier constructed by the applicant would be placed behind the transitional screening, which would further reduce the usable area of the lot.

The BOS may grant a waiver when the land between the building and the property line has been designed to minimize impacts through architectural and landscaping techniques. The rear façade of the Capital One Bank building is brick, and the existing trees along the property line provide enough screening to obscure the view of the full building. This combination of features conforms to the purpose and intent of this provision in the Zoning Ordinance.

Staff supports the applicant's request for a modification of the transitional screening requirement and a waiver of the barrier requirement.



Figure 7: A view looking east along the property boundary between the subject property and the Palladium at McLean. (Source – Google Maps, Street View)

- **Peripheral parking lot landscaping**

The Zoning Ordinance requires peripheral parking lot landscaping along property lines that abut land not in the right-of-way of a street. The applicant is required to show a landscaped, 4-foot wide strip between the parking lot and the property line, and 1 tree for every 50 feet along the length of the parking lot. As discussed on the previous page, the applicant's site conditions match the approved site plan, which conforms to these requirements.

WAIVERS AND MODIFICATIONS

- **Lot size, lot width, and front yard**

The BOS may modify the above provisions in a CRD in conjunction with the approval of a special exception. Staff supports the applicant's request for a waiver of the minimum lot size, lot width, and front yard requirements, as no building additions or site modifications are to be made as a result of the applicant's request. This approval would be in accordance with and would further the implementation of the Comprehensive Plan for the McLean CRD, which seeks to "stabilize the Community Business Center's intended function as a community –serving retail and business center while upgrading its existing image" and to "enhance the public streetscape and improvement of private property, especially large parking lots."

- **Loading spaces**

A drive-in financial institution of this size is required to provide one loading space for the loading and unloading of goods. While no loading spaces were identified on the applicant's SE Plat, staff supports the applicant's request for a waiver of the loading space requirement. Part 3A of Sect. 11-202 of the Zoning Ordinance allows the Director of DPWES to reduce the number of loading spaces when other space that conforms to the provisions of the Ordinance is provided for the use that is involved. With the surplus of parking provided on site, any loading and unloading activity can be easily accommodated.

CONCLUSIONS

In summary, the applicant's request to operate a pneumatic tube for one drive-through lane at the approved drive-through financial institution would have no impact on the surrounding properties with the approval of the proposed development conditions. The proposed use of the property is in harmony with the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of SEA 94-D-019, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the minimum lot size requirement to permit a lot of 18,275 square feet instead of the required 40,000 square feet.

Staff recommends approval of a modification of the minimum lot width requirement to permit a lot width of 160 feet instead of the required 200 feet.

Staff recommends approval of a modification of the minimum required front yard to permit a front yard of 19 feet instead of the required 40 feet along Chain Bridge Road.

Staff recommends approval of a modification of the transitional screening requirement and a waiver of the barrier requirement in favor of that shown on the SE Plat.

Staff recommends that the Director of DPWES approve a waiver of the loading space requirement.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application

APPENDICES

1. Proposed Development Conditions dated April 12, 2012.
2. Affidavit dated March 27, 2012
3. Applicant's Statement of Justification
4. Approval Letter from Clerk to the BOS for SE 94-D-019 dated October 26, 1994
5. Fairfax County Department of Transportation Analysis
6. Office of Community Revitalization Analysis
7. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**SEA 94-D-019****April 12, 2012**

If it is the intent of the Board of Supervisors to approve SEA 94-D-019 located at 1439 Chain Bridge Road, Tax Map 30-2 ((9)) 67, for a drive-in financial institution, pursuant to Sect. 4-804 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval are marked with an asterisk(*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land. *
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. *
3. This Special Exception Amendment is subject to the provision of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Chevy Chase Bank-McLean" prepared by Patton Harris Rust & Associates, PC, which is dated March 11, 1994 and revised through July 26, 1994 and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Landscaping and sidewalk treatments shall be provided as generally shown on the Special Exception Plat, subject to review and approval of the Urban Forestry Management Division of the Department of Public Works and Environmental Services.
5. Hours of operation of the bank shall not exceed 8:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 3:00 p.m. on Saturdays.
6. Drive-through service shall be limited to one Automatic Teller Machine (ATM) in each drive-through lane and teller service using a pneumatic tube assembly on the eastern drive-through lane. The drive-through ATMs shall be operational 24 hours per day, 7 days per week.
7. At all times when the drive-through ATMs are operational, both of the machines shall be open to provide adequate vehicle stacking. *
8. The bank shall be a traditional design constructed with brick façade treatment and a covered portico with columns at the entrance. *

9. Irrespective of the stacking spaces shown on the Special Exception Plat, the applicant shall provide a total of 10 stacking spaces for the drive-through lanes, designating 5 spaces per lane.
10. The applicant shall reserve the easternmost two spaces at the end of each parking row for employee parking. Customer parking shall be limited to the remaining 18 spaces in the parking lot. The applicant shall clearly identify the employee parking spaces with signs, striping, or another acceptable manner, within 90 days of the Board of Supervisors' action on this Special Exception Amendment.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVITDATE: MAR 27 2012
(enter date affidavit is notarized)I, Lisa M. Chiblow, do hereby state that I am an
(enter name of applicant or authorized agent)(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

114438a

in Application No.(s): SEA 94-D-019
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Capital One, National Association Agent: Helen C. Cejas Joseph B. Pearson	1680 Capital One Drive McLean, VA 22102	Applicant/Ground Lessee of Tax Map No. 30-2 ((9)) 67
George Zachary Kontzias	2003 North Ocean Blvd., #1201 Boca Raton, FL 33431	Title Owner/Ground Lessor of Tax Map No.30-2 ((9)) 67
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

(check if applicable)

☒ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)

DATE: MAR 27 2012
(enter date affidavit is notarized)

114438a

for Application No. (s): SEA 94-D-019
(enter County-assigned application number (s))

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME

(enter first name, middle initial, and last name)

ADDRESS

(enter number, street, city, state, and zip code)

RELATIONSHIP(S)

(enter applicable relationships listed in **BOLD** above)

DMS Sign Connection, Inc.
Agent: John F. Kelly

102 Lookout Avenue
Mount Airy, MD 21771

Sign Consultant/Agent

(check if applicable)

[]

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: MAR 27 2012
 (enter date affidavit is notarized)

1144 382

for Application No. (s): SEA 94-D-019
 (enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
 Capital One, National Association
 1680 Capital One Drive
 McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Capital One Financial Corporation

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: MAR 27 2012
(enter date affidavit is notarized)

114438a

for Application No. (s): SEA 94-D-019
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Capital One Financial Corporation
1680 Capital One Drive
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☒ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DMS Sign Connection, Inc.
102 Lookout Avenue
Mount Airy, MD 21771

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Maura A. Kelly

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: MAR 27 2012
(enter date affidavit is notarized)

114438a

for Application No. (s): SEA 94-D-019
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Equity Partners of McGuireWoods LLP

Adams, John D.
Alphonso, Gordon R.
Anderson, Arthur E., II
Anderson, Mark E.
Andre-Dumont, Hubert
Bagley, Terrence M.
Barger, Brian D.
Barnum, John W.
Becker, Scott L.
Becket, Thomas L.

Beil, Marshall H.
Belcher, Dennis I.
Bell, Craig D.
Beresford, Richard A.
Bilik, R. E.
Blank, Jonathan T.
Boland, J. W.
Brenner, Irving M.
Brooks, Edwin E.
Brose, R. C.

Burk, Eric L.
Busch, Stephen D.
Cabaniss, Thomas E.
Cacheris, Kimberly Q.
Cairns, Scott S.
Capwell, Jeffrey R.
Cason, Alan C.
Chaffin, Rebecca S.
Cobb, John H.
Cogbill, John V., III

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)

DATE: MAR 27 2012
(enter date affidavit is notarized)

114438a

for Application No. (s): SEA 94-D-019
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)Covington, Peter J.
Cramer, Robert W.
Cromwell, Richard J.
Culbertson, Craig R.
Cullen, Richard (nmi)
Cutler, Christopher M.
Daglio, Michael R.
De Ridder, Patrick A.
Dickerman, Dorothea W.
DiMattia, Michael J.
Dooley, Kathleen H.
Downing, Scott P.
Edwards, Elizabeth F.
Ensing, Donald A.
Ey, Douglas W., Jr.
Farrell, Thomas M.
Feller, Howard (nmi)
Fennebresque, John C.
Foley, Douglas M.
Fox, Charles D., IV
France, Bonnie M.
Franklin, Ronald G.
Fratkin, Bryan A.
Freedlander, Mark E.
Freeman, Jeremy D.
Fuhr, Joy C.
Gambill, Michael A.Gibson, Donald J., Jr.
Glassman, Margaret M.
Glickson, Scott L.
Gold, Stephen (nmi)
Goldstein, Philip (nmi)
Grant, Richard S.
Greenberg, Richard T.
Grieb, John T.
Harmon, Jonathan P.
Harmon, T. C.
Hartsell, David L.
Hatcher, J. K.
Hayden, Patrick L.
Hayes, Dion W.
Heberton, George H.
Hedrick, James T., Jr.
Horne, Patrick T.
Hosmer, Patricia F.
Hutson, Benne C.
Isaf, Fred T.
Jackson, J. B.
Jarashow, Richard L.
Jordan, Hilary P.
Kanazawa, Sidney K.
Kannensohn, Kimberly J.
Katsantonis, Joanne (nmi)
Kerr, James Y., IIKilpatrick, Gregory R.
King, Donald E.
King, Sally D.
Kittrell, Steven D.
Kobayashi, Naho (nmi)
Kratz, Timothy H.
Krueger, Kurt J.
Kutrow, Bradley R.
La Fratta, Mark J.
Lias-Booker, Ava E.
Lieberman, Richard E.
Little, Nancy R.
Long, William M.
Manning, Amy B.
Marianes, William B.
Marks, Robert G.
Marshall, Gary S.
Marshall, Harrison L., Jr.
Marsico, Leonard J.
Martin, Cecil E., III
Martin, George K.
Martinez, Peter W.
Mason, Richard J.
Mathews, Eugene E., III
Mayberry, William C.
McCallum, Steven C.
McDonald, John G.(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: MAR 27 2012
(enter date affidavit is notarized)

1144382

for Application No. (s): SEA 94-D-019
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

McElligott, James P.
McFarland, Robert W.
McIntyre, Charles W.
McLean, J. D.
McRill, Emery B.
Moldovan, Victor L.
Muckenfuss, Robert A.
Muir, Arthur B.
Murphy, Sean F.
Natarajan, Rajsekhar (nmi)
Neale, James F.
Nesbit, Christopher S.
Nickens, Jacks C.
O'Grady, Clive R.
O'Grady, John B.
O'Hare, James P.
Oakey, David N.
Oostdyk, Scott C.
Padgett, John D.
Parker, Brian K.
Phears, H. W.
Phillips, Michael R.
Plotkin, Robert S.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.

Rakison, Robert B.
Reid, Joseph K., III
Richardson, David L.
Riegle, Gregory A.
Riley, James B., Jr.
Riopelle, Brian C.
Roberts, Manley W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rosen, Gregg M.
Rust, Dana L.
Satterwhite, Rodney A.
Scheurer, P. C.
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane W.
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
Skinner, Halcyon E.
Slone, Daniel K.
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.

Steen, Bruce M.
Stein, Marta A.
Stone, Jacquelyn E.
Swan, David I.
Tackley, Michael O.
Tarry, Samuel L., Jr.
Thornhill, James A.
Van der Mersch, Xavier G.
Vaughn, Scott P.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. L., Jr.
Walker, John T., IV
Walker, W. K., Jr.
Walsh, James H.
Watts, Stephen H., II
Westwood, Scott E.
Whelpley, David B., Jr.
White, H. R., III
White, Walter H., Jr.
Wilburn, John D.
Williams, Steven R.
Wren, Elizabeth G.
Young, Kevin J.

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

MAR 27 2012

DATE: _____
(enter date affidavit is notarized)

114438a

for Application No. (s): SEA 94-D-019
(enter County-assigned application number(s))1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVITDATE: MAR 27 2012
(enter date affidavit is notarized)

114438a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

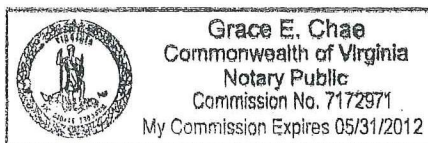
(check one)

☐ Applicant☒ Applicant's Authorized AgentLisa M. Chiblow, Land Use Planner

(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 27th day of March 20 12, in the State/Comm. of Virginia, County/City of Fairfax

Grace E. Chae
Notary Public

My commission expires: 5/31/2012

**Statement of Justification
Special Exception Amendment - SE 1994-D-019**

Capital One Bank – 1439 Chain Bridge Road, Tax Map #30-2-((9))-67

Revised April 3, 2012

This Special Exception Amendment is being filed on behalf of Capital One, National Association ("Capital One"). The subject property is located at 1439 Chain Bridge Road along the east side of Chain Bridge Road directly north of Laughlin Avenue in the Dranesville District. The subject property was developed as a Chevy Chase bank and changed corporate ownership two years ago and is now owned by Capital One. A special exception to allow a Chevy Chase drive through bank was approved by the Board of Supervisors on October 10, 1994. The existing 2,722 sq. ft. structure was constructed in 1992.

The Special Exception Criteria are addressed in Attachment A.

I. Summary of Proposal

The purpose of this Special Exception Amendment is to amend the Special Exception conditions associated with SE 1994-D-019 previously approved for a drive-in bank to permit modifications to the development conditions. The proposal includes the following:

- Amend Condition #5 which specifies that "Drive-through service shall be limited to Automatic Teller Machines (ATM's)." The Applicant proposes to amend this condition to include the operation of a pneumatic tube assembly at the eastern ATM drive through lane. The pneumatic tube assembly services customers in a more timely manner and is beneficial for those with mobility challenges.

II. Conclusion.

The proposed amendment to the governing Special Exception serves to add convenience and efficiency to an established drive-thru operation. This site and the use have been confirmed as compliant with the applicable standard in the prior and governing approval. This application grants no new or unforeseen improvements that affect that compliance.

RECEIVED
Department of Planning & Zoning

APR 03 2012

Zoning Evaluation Division

Except as noted herein, the proposed Special Exception Amendment will comply with all Ordinances, regulations and adopted standards of Fairfax County. For all of the aforementioned reasons, the Applicant respectfully requests Staff and the Planning Commission to endorse, and the Board of Supervisors to approve this Special Exception Amendment request.

Respectfully Submitted,

McGuireWoods, LLP

A handwritten signature in black ink, appearing to read 'Lisa M. Chiblow', is written over a horizontal line.

Lisa M. Chiblow, AICP
Land Use Planner
Agent for Applicant

Attachment A

Special Exception Criteria

The following information is provided pursuant to the provisions of Section 9-011 of the Fairfax County Zoning Ordinance.

1. Type of operation: Drive-in financial institution.
2. Hours of Operation: Hours of operation shall not exceed 8:00 am to 7:00 pm Monday through Friday; Saturday hours shall not exceed 8:00 am to 3:00 pm, pneumatic tube assembly to duplicate those hours, Automated Teller Machine (ATM) 24 hours per day, 7 days per week.
3. Proposed number of employees: 8 employees.
4. Estimated number of patrons: Estimated to be approximately 135 patrons each day.
5. Qualifications of Operator/Applicant: Capital One, National Association is an FDIC insured bank headquartered in McLean, Virginia. The bank was established in 1933 and has 985 branches.
6. Traffic Impact: The proposed amendment results in no change to the trips associated with this use. The traffic projections are 37 a.m. peak hour trips, 137 p.m. peak hour trips, and 739 ADT's.
7. Area served: McLean as well as Fairfax County.
8. Architectural compatibility: There are no changes proposed to the architecture.
9. Hazardous or toxic substances: There will be no hazardous or toxic substances generated, utilized, stored or otherwise located on the property as a result of the proposed use.
10. Statement of conformance: The proposed use will conform to the applicable standards and other regulations related to a drive through bank.



FAIRFAX COUNTY

APPENDIX 4

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 Fax: 703-324-3926

V I R G I N I A

October 26, 1994

Robert F. Flinn, Esquire
Flinn and Beagan
8330 Boone Boulevard - Suite 400
Vienna, Virginia 22182

RE: Special Exception
Number SE 94-D-019

Dear Mr. Flinn:

At a regular meeting of the Board of Supervisors held on October 10, 1994, the Board approved Special Exception Number SE 94-D-019 in the name of Chevy Chase Bank, F.S.B. located at Tax Map 30-2 ((9)) 67, 68 and 69 to permit a drive-in bank pursuant to Sections 4-804 and 7-607 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Environmental Management (DEM). Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Special Exception Plat entitled Chevy Chase Bank-McLean prepared by Patton Harris Rust & Associates, PC, which is dated March 11, 1994 and revised through July 26, 1994 and these conditions.

4. Landscaping and sidewalk treatment shall be provided as generally shown on the Special Exception Plat, subject to approval of the Urban Forester.
5. Hours of operation of the bank shall not exceed 6:00 a.m. to 10:00 p.m. Monday through Saturday. Drive-through service shall be limited to Automatic Teller Machines (ATMs). The drive-through ATMs shall be operational 24 hours per day, seven (7) days per week.
6. A walk-up ATM, which is operational 24 hours per day, shall be located near the bank entrance on Laughlin Avenue.
7. At all times when the drive-through ATMs are operational, both of the machines shall be open to provide adequate vehicle stacking.
8. The existing freestanding sign located along Chain Bridge Road shall be removed.
9. The bank shall be a traditional design constructed with brick facade treatment and a covered portico with columns at the entrance.
10. At the time of site plan approval, the applicant shall provide calculations to DEM which demonstrate that interior parking lot landscaping has been provided in conformance with Section 13-201 of the Ordinance. If it is deemed necessary by DEM to remove parking spaces which are in excess of Zoning Ordinance requirements in order to conform with the requirement, additional large deciduous trees shall be planted, subject to the approval of the Urban Forester.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required. ✓

October 26, 1994

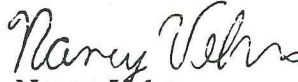
3.

The Board also:

- **Modified the transitional screening and waived the barrier requirements along the south, subject to the development conditions;**
- **Reduced the number of stacking spaces pursuant to Paragraph 20 of Section 11-102 of the Zoning Ordinance, and subject to the development conditions; and**
- **Modified the front yard setback in the Community Business District (CBD) pursuant to Section 2-418 of the Zoning Ordinance.**

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Yehrs

Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvs., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, OCP
Audrey Clark, Chief, Inspection Svcs., BPRB, DEM
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Transprt'n. Planning Dvs., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Dvs., Park Authority




County of Fairfax, Virginia

MEMORANDUM

DATE: March 2, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation 

FILE: 3-5 (SE 94-D-019)

SUBJECT: Transportation Impact

REFERENCE: SEA 94-D-019; Capital One – National Association
Land Identification Map: 30-2((9))67

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the development plat dated July 26, 1994 and received on January 5, 2012.

The department has reviewed the subject application to permit the bank logo to be added and amend Condition 5 which requires that the drive-through lanes be limited to Automatic Teller Machines (ATM's) and offers the following comments:

- There is no objection to the request for the addition of the bank's logo.
- With the approval of the original special exception, the applicant requested a reduction in the number of stacking spaces. This reduction was approved subject the drive-through lands being limited to ATMs. The applicant would like to amend this condition to include the operation of a pneumatic tube assembly at the eastern ATM drive-through lane. This department would not object to the modification of the condition provided the applicant provides the following:
 - Adequate stacking spaces to meet Ordinance requirements
 - Any parking that is blocked by the stacking spaces is to be designated as employee parking

AKR/mdg



County of Fairfax, Virginia

MEMORANDUM

DATE: February 3, 2012

TO: Barbara C. Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: *Barbara A. Byron*
Barbara A. Byron, Director
Office of Community Revitalization

SUBJECT: SEA 1994-D-019
Capital One Bank – 1439 Chain Bridge Road
Tax Map 30-2-((9))-67

The Office of Community Revitalization (OCR) has reviewed the above referenced Statement of Justification Special Exception Amendment (SEA) date stamped as "Received Department of Planning and Zoning December 12, 2011", and the amended Statement of Justification received by the Department of Planning and Zoning (DPZ) on January 27, 2012.

The OCR makes the following recommendations:

1. Pneumatic Tube.
 - a. Amend Development Condition #5 to include the operation of a pneumatic tube assembly at the eastern ATM drive through lane as currently operates on the site.
 - b. As the original ATMs were to be unmanned, the original SE 94-D-019 contained a reduction in the number of staking spaces required to serve drive-through lanes from 10 to 8. As one of the ATMs is now proposed to be manned, increase stacking spaces by eliminating two parking spaces at northeast corner of building (entrance to ATMs)
2. Signage.
 - a. As depicted in Drawing Number 0015B-061011-07 eliminate the cabinet, and use only the channel letters for building mounted logos.

cc: Nick Rogers, Planner II, DPZ/ZED
OCR File

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.